

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

KATHERINE JEFFERSON

PLAINTIFF

V.

CIVIL ACTION NO. 3:23-CV-12-GHD-RP

DESOTO COUNTY, MISSISSIPPI, et al.

DEFENDANT

ORDER STAYING CASE

This matter is before the court on the parties’ joint *ore tenus* request to stay this action pending the resolution of certain related criminal charges against the plaintiff. The court finds the motion is well taken and should be granted.

Under the *Colorado River* abstention doctrine, a federal court may decline to adjudicate a controversy for reasons of wise judicial administration when there is a state court proceeding with concurrent jurisdiction. *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817-18, 96 S.Ct. 1236, 47 L.Ed.483 (1976). Citing this doctrine, the Supreme Court in *Heck v. Humphreys* stated, “For example, if a state criminal defendant brings a federal civil-rights lawsuit during the pendency of his criminal trial, appeal, or state habeas action, abstention may be an appropriate response to the parallel state court proceedings.” 512 U.S. 477, 487 n.8, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994). The Fifth Circuit has instructed that following *Heck*, “district courts should stay § 1983 cases that may implicate the validity of pending criminal proceedings until those underlying proceedings have run their course.” *Gates v. Strain*, 885 F.3d 874, 883 (5th Cir. 2018).

THEREFORE, this action, including the plaintiff's obligation to serve process on the unserved defendants, as well as the served defendants' obligation to respond to the Amended Complaint, is STAYED pending resolution of the plaintiff's related criminal charges. The parties are instructed to file quarterly reports of the status of the criminal charges beginning April 1, 2023.

SO ORDERED, this the 27th day of February, 2023.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE